

1 MCGREGOR W. SCOTT  
United States Attorney  
2 MICHELLE RODRIGUEZ  
Assistant U.S. Attorney  
3 501 I Street, Suite 10-100  
Sacramento, California 95814  
4 Telephone: (916) 554-2700

5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT FOR THE  
9 EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 GAYLE LEA FARINHA  
15 Defendant.

)  
)  
) CR. NO. S-04-0116-EJG  
)  
)  
)  
)  
)  
)

16 UNITED STATES OF AMERICA,  
17 Plaintiff,  
18 v.  
19 GAYLE LEA FARINHA,  
20 Defendant.

)  
) CR. NO. S-06-0149-GEB  
)  
)  
)  
) MOTION TO RELATE CASES  
) AND ORDER  
)

21 Pursuant to this Court's Local Rule 83-123(3) & (4), plaintiff  
22 United States of America hereby notifies the Court of the filing of  
23 a related case and the United States further moves that the case be  
24 related.

25 On March 24, 2004, an Indictment was filed initiating case no.  
26 CR. S-04-0116-EJG against Gayle L. Farinha. The matter was  
27 assigned to U.S. District Court Judge Edward J. Garcia. The  
28 Indictment charged Farinha in fourteen felony counts (including

1 conspiracy, possession of stolen U.S. Mail, and unlawful use of  
2 means of i.d. of another to commit a federal crime).

3 On July 30, 2004, defendant Farinha was convicted as charged  
4 in Count One, conspiracy to possess stolen U.S. Mail (18 U.S.C.  
5 371, 1708), and she was convicted as charged in Count Fourteen,  
6 unlawful use of means of i.d. of another to commit a federal  
7 offense (18 U.S.C. 1028(a)(7)). See Second Amended Judgment (dated  
8 June 3, 2005). CR 38.

9 On September 28, 2005, Judge Garcia issued a Petition to  
10 Modify Conditions of Supervised Release because defendant Farinha  
11 "had not been truthful with the Court through the Court process  
12 with regards to illicit drug activity." CR 39. Then, on March 9,  
13 2006, Judge Garcia issued a Petition for Warrant for Offender under  
14 Supervision (Farinha) alleging 5 violations of conditions of  
15 supervised release. CR 40. The petition is currently pending  
16 before Judge Garcia.

17 On April 6, 2006, the United States filed an Information  
18 charging defendant Farinha with lying to a federal officer in  
19 violation of 18 U.S.C. 1001. See Cr. 06-0149-GEB. Counsel for  
20 defendant Farinha and the United States have negotiated a  
21 disposition for the new charge. Both counsel request that the new  
22 charge in Cr 06-0149-GEB be related before the same judicial  
23 officer now handing the March 9, 2006 Petition for Warrant for  
24 Offender under Supervision (Farinha), namely, Judge Garcia.

25 The United States submits that the recently charged matter  
26 against Farinha, Cr. 06-0149-GEB, should be related before Judge  
27 Garcia with the earlier charged case against Farinha, Cr. 04-116-  
28 EJG. In each case there is the same defendant. The newly charged

1 conduct in Cr. 06-0149-GEB is alleged to have occurred while the  
2 offender was under a supervised release Order from Judge Garcia.

3 Accordingly, the United States submits that in each case,  
4 there are related evidence issues, sentencing issues and/or similar  
5 witness concerns. Significantly, relation of the case concerning  
6 Farinha with the case already before the previously assigned  
7 judicial officer (Judge Garcia) would help court personnel and  
8 witnesses deal with prosecutive and judicial burdens. Indeed,  
9 relating the Farinha matter with the earlier case would be  
10 efficient for the U.S. Probation Office.

11  
12 Dated: 04/06/06

McGREGOR W. SCOTT  
United States Attorney

13  
14 By: /s/Michelle Rodriguez  
15 MICHELLE RODRIGUEZ  
Assistant U.S. Attorney

16 -----  
17  
18 **RELATED CASE ORDER**

19 Examination of the above-captioned matter, CR. NO. S-04-0116-  
20 EJG, and the criminal action in CR. NO. S-06-0149-GEB reveals that  
21 the actions are related within the meaning of Local Rule 83-123.  
22 The actions involve similar transactions, including as to  
23 defendants and witnesses, and would therefore entail a substantial  
24 duplication of labor if heard by different judges. Accordingly,  
25 the assignment of the matters to the same judge is likely to effect  
26 a substantial savings of judicial effort and is also likely to be  
27 convenient for the parties.  
28

1       The parties should be aware that relating the cases under  
2 Local Rule 83-123 merely has the result that the actions are  
3 assigned to the same judge; no consolidation of the actions is  
4 effected. Under the regular practice of this court, related cases  
5 are assigned to the judge to whom the first filed action was  
6 assigned.

7       IT IS THEREFORE ORDERED that the action denominated CR. NO.  
8 S-06-0149-GEB is reassigned to Judge Edward J. Garcia, for all  
9 further proceedings. Henceforth, the caption on documents filed in  
10 the reassigned case shall show the initials "EJG" instead of the  
11 other jurist's initials.

12       IT IS FURTHER ORDERED that the clerk of the Court make  
13 appropriate adjustment in the assignment of criminal cases to  
14 compensate for this reassignment.

15  
16 DATED: April 7, 2006

/s/ Edward J. Garcia  
U.S. DISTRICT COURT JUDGE